

REMARKS/ARGUMENTS

Claims 1 and 3-24 are active in this application.

Claim 1 has been amended to clarify the feeding water in a liquid state to the extruder and/or removing water in a liquid state from the extruder is performed during step b).

Support for the amendment is found on pages 2-3.

Support for Claim 13 is found on page 9, line 33 to page 10, line 9.

Support for Claims 14-24 is found on pages 1-3 of the specification.

No new matter is added by these amendments. Favorable reconsideration is respectfully requested.

The rejection of Claims 1-12 under 35 U.S.C. § 102(b) over U.S. 4,547,329 (US '329) is respectfully traversed.

U.S. '329 describes subjecting a water-containing EVOH filter cake to dewatering prior to charging it into an extruder (see column 4, lines 49-51). As illustrated in Example 4 of U.S. '329, this dewatering takes place through the vent port of the extruder (column 6, lines 13-14), which means that the water is removed as a gas.

In contrast, Claim 1 of this application includes feeding water in a liquid state to the extruder and/or removing water in a liquid state from the extruder is performed during step b). This is not described in U.S. '329. Accordingly, the U.S. '329 does not anticipate the present claims and as such withdrawal of this ground of rejection is requested.

Note further on page 2, the Applicants have summarized the advantage of this step:

The present invention provides an EVOH resin composition having a stable shape since the water content is adjusted before the composition is discharged by feeding water to and/or removing water from the extruder so as to suppress strand-breakage or the like.

This statement is supported by the data presented in the Examples section of this application. In particular, the Examiner's attention is directed to Table 1 on page 28, which

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describes the relative amounts of water before and after extrusion in Examples 1-8 and the Comparative Examples 1-3. The resultant stability of the resin composition is summarized in Table 4 on page 30. These reported data demonstrate that Examples 1-8 exhibited good strand stability and pellet shape whereas the resin composition produced in the Comparative examples exhibited frequent strand breakage and were defective.


The provisional rejection of Claims 1-12 under the doctrine of obviousness-type double patenting over co-pending application no. 10/035,123 and 09/621,271 is requested to be held in abeyance as the claims in the co-pending applications have not yet been patented.

The rejection of Claim 12 under 35 U.S.C. § 112, second paragraph is addressed by amendment. Note that Claim 12 has been amended according to the Examiner's suggestion.

Applicants also request that this application be passed to issuance.

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